



## Department of Justice

United States Attorney Michael J. Sullivan  
District of Massachusetts



## U.S. Environmental Protection Agency

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### **United States Files Complaint Seeking Civil Penalties Against Fall River Metalplating Company For Repeated Violations of Hazardous Waste Laws**

Boston, MA...United States Attorney Michael J. Sullivan announced that a Complaint for Civil Penalties against **NuCHROME, INC.**, **Nu-CHROME RESTORATION CORPORATION** and **CUSTOM CHROME, LLC**, of Fall River, MA (collectively “**NuCHROME**”) and their President and Chief Operating Officer, **DONALD KEMP**, of Marion, Massachusetts was filed late yesterday in U.S. District Court. The Complaint alleges repeated violations of hazardous waste management laws.

**NuCHROME** maintains its businesses at a 40,000 square foot facility in an industrial park in Fall River. **NuCHROME**’s business focuses on re-plating chrome parts on automobiles and motorcycles, such as bumpers and headlight rims. The plating process generates hazardous wastes such as chromium, nickel and copper sludges, corrosive wastewater, and cyanide process wastewaters.

**NuCHROME** has been the subject of several previous enforcement actions brought by the Environmental Protection Agency (“EPA”) for improper treatment of hazardous wastes. In 1999, the EPA filed an administrative Complaint against **NuCHROME**, which was resolved with a settlement agreement and imposition of a civil penalty. However, later inspections by the EPA revealed continuing non-compliance with the hazardous waste laws, and, in particular, revealed numerous drums and tanks of hazardous wastes stored for extended periods of time throughout the facility. The EPA determined that these wastes had not been properly evaluated with respect to the hazards involved and were not properly labeled as is required for safety reasons, that the facility did not assess the drums and tanks for corrosion and leaks, that it treated hazardous wastes without a permit, failed to train the staff, and failed to maintain emergency procedures. These violations were cited in an administrative proceeding against **NuCHROME** in April 2008. Despite this most recent proceeding, **NuCHROME** failed to achieve compliance with hazardous waste laws.

The Complaint seeks to order **NuCHROME** to comply with hazardous waste laws, and seeks civil penalties of up to \$32,500 for each day, for each violation. It is further alleged that **NuCHROME** treated and stored hazardous waste without a permit; failed to conduct hazardous waste

determinations; failed to conduct inspections of hazardous waste storage areas; failed to label and date containers of hazardous waste, among other violations of the federal Resource Conservation and Recovery Act (“RCRA”) and Commonwealth of Massachusetts hazardous waste regulations.

According to the Complaint, **KEMP** personally supervised the generation and storage of hazardous wastes, the design of the plating lines and wastewater treatment components at the facility, and is responsible for all financial and legal matters concerning the companies.

U.S. Attorney Sullivan said, “The public is well aware of the environmental and human health hazards of untended and improperly managed hazardous wastes, and I hope that this action will achieve quick compliance with our protective laws and substantial penalties for **NuCHROME’s** dilatory conduct.”

The case is being investigated by the U.S. Environmental Protection Agency. It is being prosecuted by Assistant United States Attorney Anita Johnson in Sullivan’s Civil Division and Steven Schlang, Enforcement Council for the U.S. Environmental Protection Agency.

For more information on RCRA programs and enforcement in New England, visit <http://epa.gov/ne/topics/cleanup/rcra.html>.

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